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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

U.S. Citizenship and Immigration Services

B5

[redacted]

DATE: MAR 3 0 2012 OFFICE: TEXAS SERVICE CENTER FILE: [redacted]

IN RE: Petitioner: [redacted]
Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:

[redacted]

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of $630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, denied the employment-based immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will summarily dismiss the appeal.

The petitioner seeks classification under section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2), as a member of the professions holding an advanced degree. The petitioner seeks employment as a cardiologist. The petitioner asserts that an exemption from the requirement of a job offer, and thus of a labor certification, is in the national interest of the United States. The director found that the petitioner qualifies for classification as a member of the professions holding an advanced degree, but that the petitioner has not established that an exemption from the requirement of a job offer would be in the national interest of the United States.

On the Form I-290B Notice of Appeal, counsel checked a box reading "My brief and/or additional evidence is attached." Counsel did not indicate that any future supplement would follow. Therefore, the initial appellate submission constitutes the entire appeal. The petitioner submitted no exhibits on appeal except for a copy of the denial notice.

The Form I-290B includes a space for the petitioner to "[p]rovide a statement explaining any erroneous conclusion of law or fact in the decision being appealed." On the appeal form itself, counsel states:

> The record reflects through [the petitioner's] leading roles at prominent medical institutions along with her history of outstanding clinical success in addition to her research contributions to the field of cardiology that [the petitioner] has demonstrated that (1) her work has had substantial intrinsic merit; (2) the impact of her work has spread beyond his [*sic*] hospital community and had a significant national influence in improving healthcare; and (3) [the petitioner's] abilities are exceptional and stand above her peers, such that a waiver of the labor certification process would be in the national interest.

Counsel does not elaborate as to the nature of the claimed "leading roles" and "significant contributions." The director, in the denial notice, had questioned earlier, similar claims by counsel. Counsel cannot rebut the director's findings simply by repeating the vague assertion that the petitioner's work has been important.

In a separate statement, counsel acknowledges that the medical societies to which the petitioner belongs do not require outstanding achievements, but states that "this is the norm." The director, however, did not raise the issue of the petitioner's memberships as a basis for denial.

Counsel asserts generally that the petitioner "has made great contributions to the field . . . well attested to by both her peers with whom she has worked as well as independent testimonials from prominent members of the field at prominent institutions." The director, in the denial notice, acknowledged the witnesses' letters and quoted from several of them, but found them to be insufficient to establish the petitioner's eligibility for the benefit sought. Counsel, on appeal, does not acknowledge this discussion

or explain how the director's conclusions were deficient. Counsel asserts only that the letters establish the petitioner's eligibility.

Counsel maintains that the petitioner "has judged the work of even senior peers" and that "there are testimonials submitted showing that she has been indispensable" to the university department where she worked. Counsel does not, however, allege any specific factual or legal errors or other deficiencies in the director's decision. Counsel merely asserts that, given (unidentified) "substantial evidence" of the petitioner's (unspecified) achievements, the director should have approved the petition. The director, in the denial notice, had acknowledged the "testimonials" mentioned by counsel, but found them to be unsubstantiated. Counsel does not respond to this finding.

Because counsel has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal, the AAO must summarily dismiss the appeal.

ORDER: The appeal is dismissed.